

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Police – Sri A.R. Guravaiah, P.C.540, O/o. Inspector General of Police, PTO, Hyderabad District –Appeal petition to Government with a request to set aside the orders of "**Dismissal from Service**" issued by the Director General of Police, Andhra Pradesh, Hyderabad-Allowed -Orders Issued.

HOME (SERVICES-II) DEPARTMENT

G.O.Rt.No.335

Dated: 26 -03-2015

Read the following:-

- 1) C.A.No.26/2015 in O.A.No.9205/2013, dt. 29.01.2015.
- 2) From the Director General of Police, A.P., Hyderabad, Lr.No.36 /F1/2014, dated 24.02.2015.

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ORDER:

In the notice 1st read above, wherein the applicant has sought a direction to declare the action of the 1st respondent (Government) in not passing appropriate orders on the Appeal dt. 6.4.2013 preferred by him against the orders of the 2nd respondent (Director General of Police, A.P., Hyderabad) vide proc.No. 3861 /A5/PTO/2012, dt. 11.1.2013. The Hon'ble Tribunal in its orders dt. 27.12.2013 passed interim direction to the respondents to consider and pass appropriate orders on the appeal of the applicant dt. 6.4.2013

2. The applicant in his petition dt. 6.4.2013 appealed against the procds. No.3861/A5/PTO/2012, dt. 11.01.2013 issued by the Director General of Police, A.P., Hyderabad under Art. 311(2)(b) of Constitution of India. He has submitted that he was dismissed from service, without conducting any enquiry under the APCA(CCA) Rules, which is contrary to the principles of natural justice and hence requested the Appellate authority to examine the same and set aside the Proceeding dt. 11.01.2013 and to issue consequential orders in the interest of justice.

3. In the letter 2nd read above the Director General of Police, A.P., Hyderabad has stated that the service of the applicant is no more useful for the Police Department since he is continuously absent and always avoiding responsibility causing more inconvenience to the department. His continuance in the department is mere waste of the public money. Therefore it is felt an absolute need and necessity to invoke the Article-311(2)(b) of the constitution of India against him and hence Sri A.R. Guravaiah, was dismissed from service by invoking the said Article.

4. Government after going through the records have observed that having declared Sri A.R. Guravaiah as a deserter, the disciplinary authority ought to have conducted regular enquiry in the departmental proceedings and taken appropriate action. However, Sri A.R.Guravaiah, PC was dismissed from service by invoking the Article 311(2)(b) of the constitution of India by the Director General of Police, A.P., Hyderabad and only in extreme condition where the security of the State is involved, Article 311(2)(b) of the constitution can be invoked. Hence Government felt that it is appropriate to set aside the orders of the Director General of Police, A.P., Hyderabad duly re-instating the applicant into service.

5. Accordingly the applicant is here by re-instated with immediate effect with a direction to the disciplinary authority to conduct a regular O.E framing the charges afresh for all his previous instances of desertion and take appropriate action.

P.T.O

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6. The Director General of Police, Andhra Pradesh, Hyderabad is requested to take necessary further action accordingly in the matter. The records received through the letter 2nd cited, are returned herewith and receipt of the same should be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.B. PRASADA RAO
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General of Police,
Andhra Pradesh, Hyderabad (with records).

Copy to:-

The individual concerned (through D.G.P., A.P., Hyderabad)
The Government Pleader for APAT, Hyderabad.

// FORWARDED :: BY ORDER//

SECTION OFFICER